

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

AUTOMATED LAYOUT TECHNOLOGY,  
LLC,

Plaintiff/Counter Defendant,

vs.

PRECISION STEEL SYSTEMS, LLC, and  
NICHOLAS DONNER,

Defendants/Counter Claimants.

4:20CV3127

NUNC PRO TUNC  
SECOND AMENDED  
CASE PROGRESSION ORDER

This matter is before the Court on the Joint Motion for One Month Extension of Case Progression Deadlines ([Filing No. 175](#)). After review of the motion, the Court finds good cause to grant the requested amendments. Accordingly,

**IT IS ORDERED** that the Joint Motion for One Month Extension of Case Progression Deadlines ([Filing No. 175](#)) is granted, and the amended case progression order ([Filing No. 164](#)) is amended as follows:

1. **Claim Construction Proceedings.** The claim construction proceeding deadlines remain stayed pending the Court's resolution of the Motions at Filing Nos. 90, 93, and 98. Within seven days after all motions are resolved, counsel shall contact the chambers of the undersigned magistrate judge to schedule a status conference to discuss further claim construction proceedings and the scheduling of a claim construction hearing, if counsel believe claim construction is still necessary.
2. **Experts:**
  - a. The deadlines for completing expert disclosures for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

Proponent:	<b>July 21, 2023</b>
Rebuttal:	<b>August 18, 2023</b>
  - b. The deadline to complete expert discovery is **September 18, 2023**.
  - c. The deadline for filing motions to exclude testimony on *Daubert* and related grounds remains **October 16, 2023**.

3. The planning conference scheduled for August 18, 2023, is cancelled. The trial and pretrial conference will not be set at this time. A planning conference to discuss case progression, dispositive motions, the parties' interest in settlement, and the trial and pretrial conference settings remains scheduled with the undersigned magistrate judge on **September 14, 2023**, at **11:00 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.
4. The deadline for filing motions to dismiss and motions for summary judgment remains **October 16, 2023**.
5. The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
6. All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 5<sup>th</sup> day of June, 2023.

BY THE COURT:

s/ Michael D. Nelson  
United States Magistrate Judge